

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA**

In re:)	
)	Chapter 11
MERCY HOSPITAL, IOWA CITY, IOWA, <i>et al.</i> ,)	
)	Case No. 23-00623 (TJC)
Debtors.)	
)	Jointly Administered
)	EXPEDITED RELIEF REQUESTED

**DEBTORS' EXPEDITED MOTION TO REDACT PORTIONS OF ALTERA MOTION
AND SEAL EXHIBITS THERETO**

Mercy Hospital, Iowa City, Iowa ("Mercy") and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, the "Debtors"), hereby move (the "Motion") for entry of an order substantially in the form attached hereto as **Exhibit A** (the "Proposed Order") authorizing the Debtors to file a redacted version of the forthcoming *Debtors' Motion for Entry of an Order (I) Compelling Contractual Performance of Altera Digital Health, Inc., (II) Enforcing the Automatic Stay, and (III) Granting Related Relief* (the "Altera Motion") and sealing exhibits connected thereto. In support thereof, the Debtors respectfully represent as follows:

1. The Debtors and Altera Digital Health Inc. ("Altera") are parties to a *Master Client Agreement* dated March 9, 2021 (as amended, modified, or supplemented, the "Altera Agreement").

2. The Altera Agreement contains a prohibition against disclosure of the terms and conditions of the Altera Agreement. As set forth in the *Motion of Altera Digital Health Inc. to Seal Exhibits to Motion to Compel Assumption or Rejection of Executory Contract* [Docket No. 587] ("Altera's Motion to Seal"), Altera also believes the Altera Agreement contains propriety and

sensitive business information and that Altera would suffer harm by the disclosure of information contained therein. The Court granted Altera's Motion to Seal on this basis [Docket No. 588].

3. The Debtors respectfully request the Court similarly grant this Motion and allow the Debtors to file redacted portions of the Altera Motion and seal certain exhibits thereto.

4. The Altera Agreement is attached as Exhibit B to the Altera Motion. Additionally, a letter modification to the Altera Agreement is attached as Exhibit C to the Altera Motion. Both are subject to the confidentiality provision noted above. Further, the Altera Motion contains descriptions of and references to certain provisions in the Altera Agreement.

5. Section 107(b)(1) of title 11 of the United States Code (the "Bankruptcy Code") authorizes the Court to "protect an entity with respect to...confidential research, development, or commercial information." Rule 9018 of the Federal Rules of Bankruptcy Procedure further provides that the Court, with or without notice, may enter an order "to protect...any entity in respect of...confidential research, development, or commercial formation."

6. In order to protect the information that Altera alleges is proprietary and to allow the Debtors to honor the confidentiality provision in the Altera Agreement, the Debtors respectfully request that the Court grant this motion and authorize the Debtors to file Exhibits B and C under seal and to file a redacted version of the Altera Motion.

[Remainder of page intentionally left blank]

CONCLUSION

WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as may be just and proper.

Dated: Cedar Rapids, Iowa
January 12, 2024

NYEMASTER GOODE, P.C.

/s/ Roy Leaf

Roy Leaf, AT0014486
625 First Street SE, Suite 400
Cedar Rapids, IA 52401-2030
Telephone: (319) 286-7002
Facsimile: (319) 286-7050
Email: rleaf@nyemaster.com

- and -

Kristina M. Stanger, AT0000255
Matthew A. McGuire, AT0011932
Dana Hempy, AT0014934
700 Walnut, Suite 1600
Des Moines, IA 50309
Telephone: 515-283-3100
Fax: 515-283-8045
Email: mmcguire@nyemaster.com
kmstanger@nyemaster.com
dhempy@nyemaster.com

- and -

MCDERMOTT WILL & EMERY LLP

Felicia Gerber Perlman (admitted *pro hac vice*)
Daniel M. Simon (admitted *pro hac vice*)
Emily C. Keil (admitted *pro hac vice*)
444 West Lake Street, Suite 4000
Chicago, IL 60606
Telephone: (312) 372-2000
Facsimile: (312) 984-7700
Email: fperlman@mwe.com
dsimon@mwe.com
ekeil@mwe.com

- and -

Jack G. Haake (admitted *pro hac vice*)
2501 North Harwood Street, Suite 1900
Dallas, TX 75201
Telephone: (214) 295-8000
Facsimile: (972) 232-3098
Email: jhaake@mwe.com

Counsel for Debtors and Debtors-in-Possession

CERTIFICATE OF SERVICE

The undersigned certifies, under penalty of perjury, that on this January 12, 2024, the foregoing document was electronically filed with the Clerk of Court using the Northern District of Iowa CM/ECF and the document was served electronically through the CM/ECF system to the parties of the Chapter 11 Cases.

/s/ Roy Leaf